

Exhibit 7

MICHAEL O'SULLIVAN
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<p>1 2 3 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK ----- 4 KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS 5 PIA, THOMAS BARDEN, CONSTANCE MANGAN, and CHARISE JONES, 6 Individually and on behalf of All others similarly situated, 7 8 Plaintiffs, 9 10 vs. No. 2:23 Civ. 2848(GRB)(ARL) GOVERNMENT EMPLOYEES INSURANCE 11 COMPANY d/b/a GEICO, Defendant. ----- 12 13 14 VIDEOTAPED DEPOSITION OF MICHAEL O'SULLIVAN 15 New York, New York 16 Monday, August 26, 2024 17 18 19 20 21 22 Reported by: Yaffa Kaplan 23 JOB NO. 11574176 24 25</p>	<p>1 2 A P P E A R A N C E S: 3 4 OUTTEN & GOLDEN LLP 5 Attorneys for Plaintiffs 6 685 Third Avenue, 25th Floor 7 New York, New York 10017 8 BY: SABINE JEAN, ESQ. 9 10 DUANE MORRIS LLP 11 Attorneys for Defendant 12 190 South LaSalle Street, Suite 3700 13 Chicago, Illinois 60603 14 BY: TIFFANY E. ALBERTY, ESQ. 15 16 ALSO PRESENT: 17 JOSEPH BARLETTA - Videographer 18 19 20 21 22 23 24 25</p>
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<p>1 2 August 26, 2024 3 10:00 a.m. 4 5 Deposition of MICHAEL O'SULLIVAN, 6 held at the offices of Esquire Deposition 7 Solutions, 1225 Franklin Avenue, Garden 8 City, New York, pursuant to Replace, before 9 Yaffa Kaplan, a Notary Public of the State 10 of New York. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 IT IS HEREBY STIPULATED AND AGREED, 3 by and between counsel for the respective 4 parties hereto, that the filing, sealing and 5 certification of the within deposition shall 6 be and the same are hereby waived; 7 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to the form 10 of the question, shall be reserved to the time of the trial; 11 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed 14 before any Notary Public with the same force 15 and effect as if signed and sworn to before the Court. 16 17 18 19 20 21 22 23 24 25</p>


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<p style="text-align: right;">Page 65</p> <p>1 M. O'Sullivan</p> <p>2 So it states, "Since" -- sorry, I will</p> <p>3 wait 'till you get there.</p> <p>4 It states, "Since January 2020, GEICO</p> <p>5 classified me and other special investigators as</p> <p>6 nonexempt employees who were eligible for overtime</p> <p>7 pay at one-and-one-half times my regular rate if I</p> <p>8 worked over 40 hours a week."</p> <p>9 Do you recall what the one-and-one-half</p> <p>10 times rate would have been at that time?</p> <p>11 A. No.</p> <p>12 Q. "That said, prior to January 2020, GEICO</p> <p>13 classified me and other special investigators as</p> <p>14 nonexempt employees eligible for overtime pay, but</p> <p>15 they used a different method of payment. My</p> <p>16 understanding of this payment method called</p> <p>17 'premium pay' was that it was less than my regular</p> <p>18 rate."</p> <p>19 What was the premium pay amount, if you</p> <p>20 know?</p> <p>21 A. No.</p> <p>22 Q. Where was that -- this -- where does</p> <p>23 this information come from?</p> <p>24 Meaning, the change and the payment</p> <p>25 method type now called premium pay?</p>	<p style="text-align: right;">Page 67</p> <p>1 M. O'Sullivan</p> <p>2 referencing to in paragraph number 5?</p> <p>3 A. I don't know.</p> <p>4 Q. As far as when you said management would</p> <p>5 have provided you this information, as to whom in</p> <p>6 management? Do you know?</p> <p>7 A. I don't know.</p> <p>8 Q. Let's flip to Page Number 3 of your</p> <p>9 declaration under paragraph 8.</p> <p>10 So it states, "I only entered 7.75</p> <p>11 working hours per day, five days a week, regardless</p> <p>12 of how many hours I actually worked. I only</p> <p>13 entered this amount of time because I understood,</p> <p>14 based on conversations with my supervisor, that</p> <p>15 GEICO would not authorize overtime pay, 'just for</p> <p>16 typing.' Meaning, writing my case reports as</p> <p>17 required -- as required by my job."</p> <p>18 Which supervisor are you referring to in</p> <p>19 paragraph number 8?</p> <p>20 A. Brian Portnoy.</p> <p>21 Q. As to paragraph number 8 for our other</p> <p>22 supervisors that I believe you testified to, Dara</p> <p>23 Campbell and Toni D'Agata, do you recall them</p> <p>24 saying anything to this degree?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 66</p> <p>1 M. O'Sullivan</p> <p>2 A. I guess it came from management. I</p> <p>3 don't --</p> <p>4 Q. Do you know as you sit here today,</p> <p>5 though? Like, who told you any of this</p> <p>6 information?</p> <p>7 A. No. I don't recall actually who</p> <p>8 furnished me with that information.</p> <p>9 Q. And I am just trying to understand to do</p> <p>10 a reflection, which is the premium pay versus the</p> <p>11 one-and-one-half times regular rate.</p> <p>12 Do you have any idea what that</p> <p>13 dollar-amount difference would have been?</p> <p>14 A. I recall the premium pay was actually</p> <p>15 less than regular pay. It wasn't even</p> <p>16 straight-time pay. It was less than regular pay.</p> <p>17 Q. But do you remember what that amount</p> <p>18 was?</p> <p>19 A. No, I don't.</p> <p>20 Q. Was the premium rate ever indicated on</p> <p>21 your pay slips?</p> <p>22 A. I don't -- I don't know. I don't recall</p> <p>23 how it was indicated on the pay stub.</p> <p>24 Q. Do you recall seeing any type of written</p> <p>25 policy regarding the premium pay that you are</p>	<p style="text-align: right;">Page 68</p> <p>1 M. O'Sullivan</p> <p>2 Q. When did the conversation with Brian</p> <p>3 Portnoy take place about, "just for typing"?</p> <p>4 A. I don't recall a time frame.</p> <p>5 Q. Do you remember if this was over the</p> <p>6 phone, via text, e-mail?</p> <p>7 A. I believe it was over the phone.</p> <p>8 Q. To your knowledge, was anyone else</p> <p>9 present for this conversation?</p> <p>10 A. No.</p> <p>11 Q. Did you have any custom and practice</p> <p>12 that you would record any conversations with</p> <p>13 supervisors or other employees of GEICO?</p> <p>14 A. No.</p> <p>15 Q. Was this a one-time occurrence?</p> <p>16 A. Basically, yes.</p> <p>17 Q. Was there anything else substantively</p> <p>18 from this conversation that you recall outside of</p> <p>19 the specifically, just for typing?</p> <p>20 A. No.</p> <p>21 Q. Was the reference for just for typing</p> <p>22 only allocated to the case reports that you would</p> <p>23 do?</p> <p>24 A. Yes.</p> <p>25 Q. And I just want to make sure we are</p>

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<p>Page 177</p> <p>1 M. O'Sullivan</p> <p>2 MS. ALBERTY: Objection.</p> <p>3 A. Yes.</p> <p>4 MS. JEAN: Those are all my questions.</p> <p>5 MS. ALBERTY: Just a quick follow up.</p> <p>6 EXAMINATION BY</p> <p>7 MS. ALBERTY:</p> <p>8 Q. On the monthly report card, was your</p> <p>9 manager ever issuing those?</p> <p>10 A. No, it was done by my immediate</p> <p>11 supervisor.</p> <p>12 MS. ALBERTY: Okay. I don't have any</p> <p>13 other questions.</p> <p>14 RQ MS. JEAN: I have a few things I want to</p> <p>15 state on the record in terms of follow up, and</p> <p>16 we will follow up in writing as well.</p> <p>17 We would like to request documents</p> <p>18 regarding underlying training documents from</p> <p>19 Exhibit 3.</p> <p>20 Documents listing and/or describing</p> <p>21 performance metrics and eligibility standards</p> <p>22 and conditions to receive annual raises.</p> <p>23 Documents regarding performance</p> <p>24 evaluations of plaintiff Michael O'Sullivan</p> <p>25 with any metrics listed, including any</p>	<p>Page 179</p> <p>1 M. O'Sullivan</p> <p>2 _____.</p> <p>3 MICHAEL O'SULLIVAN</p> <p>4</p> <p>5 Subscribed and sworn to before me</p> <p>6 this ____ day of _____, 2024.</p> <p>7</p> <p>8 _____</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 178</p> <p>1 M. O'Sullivan</p> <p>2 coaching plan.</p> <p>3 Any written policy described in</p> <p>4 performance evaluation metrics and/or a number</p> <p>5 scale.</p> <p>6 Any documents involve describing</p> <p>7 caseload metrics, including time frames for</p> <p>8 case assignments.</p> <p>9 Any documents describing productivity</p> <p>10 metrics.</p> <p>11 Any monthly report cards issued by your</p> <p>12 supervisors for Michael O'Sullivan.</p> <p>13 Any documents for metrics that would</p> <p>14 require a coaching plan.</p> <p>15 And any documents referencing</p> <p>16 time-in-progress compliance or TIP compliance,</p> <p>17 and any metrics associated with that.</p> <p>18 MS. ALBERTY: Okay.</p> <p>19 THE VIDEOGRAPHER: I am going to sign us</p> <p>20 off.</p> <p>21 This concludes the video deposition of</p> <p>22 Michael O'Sullivan. The time now is</p> <p>23 approximately 3:21 p.m.</p> <p>24 We are off the record.</p> <p>25 (Time noted: 3:21 p.m.)</p>	<p>Page 180</p> <p>1 M. O'Sullivan</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK)</p> <p>4 : ss.</p> <p>5 COUNTY OF QUEENS)</p> <p>6</p> <p>7 I, YAFFA KAPLAN, a Notary Public</p> <p>8 within and for the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That MICHAEL O'SULLIVAN, the witness</p> <p>11 whose deposition is hereinbefore set forth,</p> <p>12 was duly sworn by me and that such</p> <p>13 deposition is a true record of the</p> <p>14 testimony given by the witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this</p> <p>17 action by blood or marriage, and that I am</p> <p>18 in no way interested in the outcome of this</p> <p>19 matter.</p> <p>20 IN WITNESS WHEREOF, I have hereunto</p> <p>21 set my hand this 3rd day of September,</p> <p>22 2024.</p> <p>23 </p> <p>24 YAFFA KAPLAN</p> <p>25</p>